

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TYEESHA LASHAYE MARTIN,

Plaintiff,

v.

CASE NO. 2:06-CV-1031-WKW

NAPHCARE, INC.; MARC Q. SONNIER;
JAMES DELONG; BARBARA GAIL
WALTERS, EDDIE NAGLE;
C.I. HADLEY; DONAL CAMPBELL;
et al.,

Defendants.

ANSWER

Come now defendant(s), and for answer to the above styled compliant, say the following:

1. Defendants deny all material allegations alleged in plaintiff's Complaint and demand strict proof thereof.

2. Defendants plead the general denial and demand strict proof thereof.

3. Claims based on vicarious liability and/or *respondeat superior* are not recoverable under 42. U.S.C. 1983.

FIRST DEFENSE

Defendants are not guilty of the material matters averred in plaintiff's Complaint and demand strict proof thereof.

SECOND DEFENSE

Plaintiff's claims are barred by the statute of limitations.

THIRD DEFENSE

The defendants are entitled to absolute immunity to all claims contained in plaintiff's Complaint.

FOURTH DEFENSE

The defendants are entitled to qualified immunity.

FIFTH DEFENSE

The defendants are entitled to discretionary function immunity.

SIXTH DEFENSE

The defendants are entitled to immunity under Code of Alabama 1975, Section 6-5-338, et seq.

SEVENTH DEFENSE

The plaintiff has failed to state a cause of action against defendants in any count of her Complaint.

EIGHTH DEFENSE

Defendants are unable to determine from the Complaint and Amended Complaint the causes of action set out and reserve any defenses that may be available if the plaintiff is later required to provide a more definite statement.

Respectfully submitted,

KIM T. THOMAS (THO115)
GENERAL COUNSEL



NEAL P. CONNER (CONN2024)
ASSISTANT GENERAL COUNSEL
ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of November, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following (or by U.S. Mail to the non-CM-ECF participants)::

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